



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NATALIE BOGDANOS
ENZO THERAPEUTICS, INC.
c/o ENZO BIOCHEM, INC.
527 MADISON AVENUE
NINTH FLOOR
NEW YORK, NEW YORK 10022

COPY MAILED

SEP 08 2005

OFFICE OF PETITIONS

In re Application of :
Jennifer June Brown :
Application No. 10/042,711 :
Filed: December 12, 2001 :
Attorney Docket No. ENZ-57 (CIP) (C) :

DECISION ON PETITION
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR §1.137(b), filed August 10, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned, by operation of law, for failure to timely reply within the three month shortened statutory period set in the non-final Office Action mailed March 26, 2004. No extensions of time have been obtained pursuant to the provisions of 37 CFR §1.136(a). The date of abandonment of this application is June 27, 2004. A Notice of Abandonment was mailed on October 4, 2004 to the addressee above.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR §1.137(b) in that (1) the reply (amendment) and (2) the petition fee of \$750.00 have been received. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" be submitted. However, the statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition. Accordingly, the reply to the non-final Office Action mailed March 26, 2004 is accepted as having been unintentionally delayed.

The application was filed on December 12, 2001. Note that a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) is required by 37 CFR 1.137(d) only for applications filed before June 8, 1995. Therefore, the terminal disclaimer included with the petition is not required, and the fee of \$65.00 (small entity) has been refunded to Deposit Account No. 05-1135.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

This matter is being referred to Technology Center Art Unit 1632 for appropriate action on the concurrently filed amendment.

Frances Hicks Jr

Brian Hearn
Petitions Examiner
Office of Petitions